



01-24-07

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

In re Application of:

Yin CHEN, *et al.*§
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Atty Dckt No: CRYA,025/CIP

Serial No.: 10/743,956

Examiner: Christopher M. Gross

Filed: December 23, 2003

Group Art Unit: 1639

For: **OLIGODEOXYNUCLEOTIDE (ODN) LIBRARIES, THEIR USE IN SCREENING FOR
ANTIBACTERIAL AGENTS, AND CATALYTIC ODN SEQUENCE FOR USE AS AN
ANTIBACTERIAL AGENT**

COMMISSIONER OF PATENTS
P. O. BOX 1450
ALEXANDRIA, VA 22313-1450

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date indicated below with sufficient postage as US EXPRESS MAIL in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

JV Budet
Name

1-23-07
Date

EXPRESS Mail No: EB221443716 US

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT,
dated January 5, 2007

Dear Sir:

Applicant respectfully responds to the Notice of Non-Compliant Amendment dated January 5, 2007 with a re-formatted Amendment to the Claims as requested under Item 4(E) therein. Herein is the same Amendment to the Claims as previously submitted on August 7, 2006 but reformatted to comply with 37 CFR 1.75(h). Applicant hereby requests that all other aspects of the August 7, 2006 filing be considered as being timely filed and in appropriate form for consideration as originally intended.

Applicant requests entry of the following amendment to claims 4-11, withdrawal of original claims 1-3 and 12-15 as non-elected claims without prejudice, the addition of new claims 16-26, and the right to seek further prosecution of the withdrawn claims either by joinder, petition of the restriction requirement, or through further prosecution in divisional and related applications. Applicant previously included payment to cover extra fees for six additional claims with the August 7, 2006 filing.

As this filing is within the shortened statutory period of one month, it is believed that no additional charge should be required. In the event of a miscalculation, however, the Commissioner is hereby authorized to deduct and/or credit any discrepancies from Deposit Account No: **50-3748** (CRYA,025/cip) as required.

Should the Examiner have any questions regarding this submission, please contact the Attorney for Applicant as designated herein below.

Respectfully submitted,

Cindee R. Ewell

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ATTORNEY FOR APPLICANT

Date: 1-23-07